

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BETTY A. THOMPSON and U.S. POSTAL SERVICE,
POST OFFICE, Liberty, MO

*Docket No. 98-1454; Submitted on the Record;
Issued October 17, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
VALERIE D. EVANS-HARRELL

The issues are: (1) whether appellant sustained recurrences of disability on June 29 and September 8, 1995 causally related to her accepted bilateral carpal tunnel syndrome; and (2) whether the Office of Workers' Compensation Programs properly denied modification on March 24, 1998.¹

The Board has given careful consideration to the issues involved, the contentions on appeal and the entire case record. The Board finds that the decision of the Office hearing representative dated June 12, 1997 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.

The Board also finds that on March 24, 1998 the Office properly denied modification of the June 12, 1997 decision.

On December 24, 1997 appellant requested reconsideration and submitted additional evidence. By decision dated March 24, 1998, the Office again denied the claim, finding the evidence insufficient to warrant modification of the prior decision. The instant appeal follows.

When an employee, who is disabled from the job he or she held when injured on account of employment-related residuals, returns to a light-duty position or the medical evidence of record establishes that he or she can perform the light-duty position, the employee has the burden to establish by the weight of the reliable, probative and substantial evidence a recurrence of total disability and show that he or she cannot perform such light duty. As part of this burden, the

¹ The Board notes that appellant has three appeals before the Board: (1) Docket No. 98-2078, adjudicated by the Office under file number A11-87984, in which she is claiming that a fractured wrist sustained at home on June 29, 1995 was a consequence of a July 26, 1991 employment-related knee injury; (2) Docket No. 99-744, adjudicated by the Office under file number A11-153000, in which she is claiming that she sustained an employment-related emotional condition; and (3) the instant claim, adjudicated by the Office under file number A11-138879.

employee must show either a change in the nature and extent of the injury-related condition or a change in the nature and extent of the light-duty requirements.²

Causal relationship is a medical issue,³ and the medical evidence required to establish a causal relationship is rationalized medical evidence. Rationalized medical evidence is medical evidence which includes a physician's rationalized medical opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁴

With her reconsideration request, appellant submitted reports from several physicians. None of these reports, however, contained an opinion that appellant could not work during the periods in question due to her carpal tunnel syndrome.⁵ The medical evidence in this case, therefore, is insufficient to establish that appellant sustained a recurrence of disability causally related to the accepted bilateral carpal tunnel syndrome.

² *Mary A. Howard*, 45 ECAB 646 (1994); *Cynthia M. Judd*, 42 ECAB 246 (1990); *Terry R. Hedman*, 38 ECAB 222 (1986).

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁴ *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁵ Dr. Rosalie Pompushko, a psychiatrist, submitted reports dated December 20, 1994, April 4 and October 24, 1995, in which she diagnosed major depressive disorder and advised that appellant needed to work a different shift. In a November 30, 1995 report, Dr. Dewey K. Ziegler, who is Board-certified in neurology and psychiatry, diagnosed migraine headaches which limited her ability to work. Appellant also submitted a June 23, 1995 report from Dr. Gregory Hornig, her treating Board-certified neurosurgeon, that was previously of record.

The decisions of the Office of Workers' Compensation Programs dated March 24, 1998 and June 12, 1997 are hereby affirmed.

Dated, Washington, DC
October 17, 2000

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Valerie D. Evans-Harrell
Alternate Member